

Message Text

SECRET

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ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY EA/K:RGRICH:FLW
APPROVED BY EA - MR. GLEYSSTEEN
L - HHANSELL
L/EA - EVERVILLE
S/S - O:SRPVALERGA

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FM SECSTATE WASHDC
TO AMEMBASSY SEOUL IMMEDIATE
INFO AMEMBASSY TOKYO IMMEDIATE
WHITE HOUSE IMMEDIATE

S E C R E T STATE 008299

NODIS
WHITEHOUSE FOR Z. BRZEZINSKI

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: DRAFT RESPONSE TO HOUSE ETHICS COMMITTEE CHAIRMAN

REF: SEOUL 0218

SEOUL FOR AMBASSADOR AND DEP ATTORNEY GENERAL CIVILETTI

TOKYO FOR ASST SEC HOLBROOKE

1. YOUR THOUGHTFUL COMMENTS (REFTEL) ON THE PROPOSED
SCENARIO FOR RESPONSE TO THE HOUSE ETHICS COMMITTEE REQUEST
CONCERNING THE TONGSUN PARK CASE HAS BEEN VERY HELPFUL.
BELIEVE WE HAVE BEEN ABLE TO ACCOMMODATE ALL BUT YOUR FINAL
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SUGGESTION IN PARA FIVE. WE HAVE CONCLUDED THAT THERE IS
NO WAY TO EXPRESS A CAUTIONARY THOUGHT WITH REGARD TO
FURTHER JAWORSKI GRAND STANDING WITHOUT DESTROYING THE
IMPORTANT POSITIVE TONE OF OUR RESPONSE, REGARDLESS OF HOW
NUANCED OR SUBTLY STATED. EVENTUALLY WE HOPE EFFECTIVELY
TO MAKE THIS POINT ORALLY.

2. FOLLOWING FOR YOUR COMMENT IS A DRAFT TEXT ALONG THE
LINES OF LETTER WE HOPE TO BE ABLE TO SEND TO CHAIRMAN
JOHN FLYNT THURSDAY:

BEGIN QUOTE

A. THE SECRETARY HAS ASKED ME TO REPLY TO YOUR THOUGHTFUL
LETTER OF JANUARY 3 EXPRESSING THE CONCERN OF THE HOUSE
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT REGARDING THE
UNDERSTANDINGS RECENTLY REACHED WITH THE GOVERNMENT OF
THE REPUBLIC OF KOREA AND MR. TONGSUN PARK TO FACILITATE
JUSTICE DEPARTMENT INVESTIGATIONS AND PROSECUTIONS, AND
YOUR REQUEST THAT THE DEPARTMENT OF STATE ASSIST THE
COMMITTEE TO REACH A COMPARABLE ARRANGEMENT.

B. THE DEPARTMENT WISHES TO BE FULLY RESPONSIVE TO THE
REQUEST YOU HAVE MADE. BASED ON OUR DISCUSSIONS TO DATE
WITH THE KOREAN GOVERNMENT WE ARE HOPEFUL THAT WE WILL BE
ABLE TO FACILITATE THE ACCESS TO MR. TONGSUN PARK WHICH
YOU HAVE REQUESTED.

C. IN ORDER TO EXPLORE IN PRACTICAL TERMS THE NATURE OF
THE ARRANGEMENTS THE COMMITTEE REQUIRES, I PROPOSE THAT
APPROPRIATE OFFICIALS OF THE DEPARTMENT'S BUREAU OF
EAST ASIAN AND PACIFIC AFFAIRS AND OFFICE OF THE
LEGAL ADVISOR MEET

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INFORMALLY WITH YOU AND OTHER MEMBERS OF THE COMMITTEE AND
STAFF AS APPROPRIATE AT YOUR CONVENIENCE AFTER YOUR RETURN
TO WASHINGTON. SUBJECT TO YOUR WISHES, PERHAPS IT WOULD
BE USEFUL ALSO TO INVITE PARTICIPATION FROM THE SENATE
ETHICS COMMITTEE, WHICH HAS PARALLEL CONCERNS. INEVITABLY,
IN SEEKING TO OBTAIN THE ARRANGEMENT YOU DESIRE, WE WILL
NEED EVENTUALLY TO ADDRESS MANY OF THE PRACTICAL QUESTIONS
WHICH HAVE ARISEN IN THE COURSE OF THE JUSTICE DEPARTMENT'S
NEGOTIATIONS. THESE WOULD INCLUDE, FOR EXAMPLE, SUCH
MATTERS AS TIME AND PLACE, AND SCOPE OF THE PROCEEDINGS.

D. FOLLOWING SOME EVALUATION OF THE JUSTICE DEPARTMENT'S
INTERROGATION COMMENCING THIS WEEK IN SEOUL, WE WILL BE
IN A BETTER POSITION TO PERCEIVE THE NEXT STEPS AND TO
DEFINE HOW WE MAY BEST BE OF ASSISTANCE. ALTHOUGH
THE INTERROGATION IS EXPECTED TO PROCEED FOR A LONGER
PERIOD, I UNDERSTAND THAT MR. CIVILETTI MAY RETURN TO
WASHINGTON AFTER THE QUESTIONING IS FULLY UNDERWAY. IF
EITHER MR. CIVILETTI, CONGRESSMAN CAPUTO, OR MR. SWILLINGER,
THE SENATE ETHICS COMMITTEE STAFF OBSERVER, HAVE RETURNED
TO WASHINGTON BY THE TIME OF THE MEETING I HAVE PROPOSED,
IT WOULD NO DOUBT BE VERY USEFUL FOR THEM TO JOIN US AND

SHARE A FIRST-HAND EVALUATION OF THESE FIRST STEPS IN
THE DESIRED ACCESS TO TONGSUN PARK.

E. IN NEGOTIATING THE PRESENT UNDERSTANDINGS ON BEHALF OF
THE DEPARTMENT OF JUSTICE, WE HAVE MOVED VERY CAREFULLY

TO TRY TO COMPLETE ONE STEP AT A TIME THOSE PRACTICAL
ARRANGEMENTS WHICH WERE POSSIBLE. THE NEGOTIATIONS HAVE
BEEN DIRECTED TO GETTING A FULL, CREDIBLE AND DIRECT
INTERROGATION OF TONGSUN PARK, TOGETHER WITH ASSURANCE OF
HIS RETURN HERE AS A WITNESS IN TRIALS WHICH MAY RESULT
FROM THE GRAND JURY DELIBERATIONS. THESE WERE THE
ESSENTIAL MINIMUM GOALS WITHOUT WHICH THE DEPARTMENT OF
JUSTICE HAD CONCLUDED IT COULD NOT SUCCESSFULLY PURSUE
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ITS EFFORTS, AND WITHOUT WHICH THERE COULD HAVE BEEN NO
HOPE OF HAVING CREDIBLE INFORMATION ON WHICH TO EXONERATE
THE INNOCENT AS WELL AS DETERMINE THE GUILTY.

F. WE HAVE BEEN ASSURED BY THE JUSTICE DEPARTMENT THAT
NOTHING IN THE ARRANGEMENTS WHICH HAVE BEEN NEGOTIATED
WOULD GIVE IMMUNITY TO TONGSUN PARK FROM PROSECUTION FOR
PERJURY IN THIS COUNTRY IF HE SHOULD GIVE FALSE TESTIMONY
DURING THE INTERROGATION, AT SUBSEQUENT TRIAL APPEARANCES
OR BEFORE A CONGRESSIONAL COMMITTEE. THE NEGOTIATING
RECORD IS ABUNDANTLY CLEAR ON THIS POINT. THE DEPARTMENT
OF JUSTICE WOULD BE ABLE TO DISCUSS WITH YOU THE PRECISE
TERMS OF THE MEMORANDUM OF UNDERSTANDING WHICH HAS BEEN
SIGNED WITH TONGSUN PARK IN SEOUL JANUARY 11 SPELLING OUT
THESE COMMITMENTS. UNQUOTE
CHRISTOPHER

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